

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Martin FISCHER et al.)	Group Art Unit: 2168
)	
Application No.: 10/656,208)	Examiner: MORRISON, Jay A.
)	
Filed: September 8, 2003)	
)	
For: METHODS AND SYSTEMS FOR)	Confirmation No.: 7499
CONTROLLING ACCESS TO A DATA)	
OBJECT)	

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the Final Office Action dated October 27, 2006 ("Final Office Action"). This Request is being filed concurrently with a Notice of Appeal.

I. Requirements For Submitting a Pre-Appeal Brief Request for Review

Applicants have met each of the requirements for a pre-appeal brief review of rejections set forth in an Office Action. The application has been at least twice rejected. Applicants have filed a Notice of Appeal with this Request, and have not yet filed an Appeal Brief. Lastly, Applicants submit a Pre-Appeal Brief Request for Review that is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005. Therefore, Applicants request review of the Examiner's rejections in the Final Office Action for the following reasons. Applicants reserve the right to raise additional arguments on appeal, including arguments that could have been raised here.

II. The Examiner's Rejection of Claims 1, 3, 5, 8, 10, 12, 15, 17, and 19 Over *Teng* is Clearly Erroneous

In the Final Office Action, the Examiner maintains a rejection of claims 1, 3, 5, 8, 10, 12, 15, 17, and 19 over *Teng* et al., U.S. Patent No. 6,944,615 ("*Teng*"). Claim 1 recites "**checking**,

before accessing the data object, **whether** the ID is contained in a lock object **and the ID is associated with a storage location**; and accessing the data object, if the ID is not contained in the lock object or if the ID is not yet associated with a storage location” (emphasis added).

With respect to these features, the Examiner asserts that “Teng does in fact teach that the lock manager will not grant more than one lock for a single table row (column 3, lines 32-45),” and “the lock manager does in fact check whether the ID is associated with a storage location, which is equivalent to Teng’s single table row.” (Final Office Action, p. 14) Applicants respectfully disagree.

Teng discloses a system for avoiding deadlock in a database. The system includes a lock manager 68 that limits access to a database 12 by requiring the system components obtain a lock on the target row or rows prior to accessing the rows. The lock manager 68 ensures the integrity of the database by issuing locks based on lock compatibility to prevent multiple transactions from accessing the row(s) of the database simultaneously.

But *Teng’s* system does not teach or disclose checking whether the ID is associated with a storage location and accessing the data object only if the ID is not yet associated with a storage location. *Teng* is **only** concerned with checking whether the ID is contained in a lock object. The security feature of *Teng* whereby the lock manager will not grant more than one X-lock request for a single table row is clearly **not** equivalent to **checking whether the ID is associated with a storage location** and accessing the data object if the ID is not yet associated with a storage location, contrary to the Examiner’s apparent assertion.

By contrast, Applicants’ claim 1 recites “**checking . . . whether . . . the ID is associated with a storage location**; and **accessing the data object...if the ID is not yet associated with a storage location.**” (emphasis added). For example, as shown in Figs. 1 and 4, the Applicants’ system and method include the ability to check whether the ID is contained in an existing P-lock **and** check whether the ID is associated with an archive file (step 404). If the ID is not associated with an archive file, access is provided to the data object. This can limit the access of data within the data object to ensure that the data object has not been corrupted.

In summary, Applicants submit that *Teng* fails to teach or suggest a computer-implemented method, as recited in claim 1, that includes “**checking**, before accessing the data object, **whether** the ID is contained in a lock object and **the ID is associated with a storage location**; and **accessing the data object**, if the ID is not contained in the lock object or **if the ID is not yet associated with a storage location**” (emphasis added). Therefore *Teng* fails to teach or suggest each and every feature recited by claim 1.

Independent claims 8 and 15 recite similar features as those recited in claim 1 discussed above. Furthermore, elements of dependent claims 2-7, 9-14, and 16-21 are not taught or even suggested by *Teng*, for at least the same reasons discussed above.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-21 are patentable over *Teng*. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §102 rejections.

III. The Examiner’s Rejections Under 35 U.S.C. § 103 are Also Erroneous

In the Final Office Action, the Examiner maintains rejections of claims 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, and 20-28 as allegedly unpatentable over *Teng* in view of various references.

As discussed above, *Teng* fails to teach or disclose all features of dependent claims 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, 20, and 21. No reference or combination of the references cited by the Examiner overcomes the deficiency of *Teng* discussed above. Therefore Applicants respectfully request reconsideration and withdrawal of the rejections of claims 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, 20, and 21 under 35 U.S.C. § 103.

The Examiner rejected claim 22 as unpatentable over *Teng* in view of Bamford et al., U.S. Patent No. 6,507,853 (“*Bamford*”). Applicants respectfully traverse the rejection because neither *Teng* nor *Bamford* teaches or suggests “a first lock object, storing . . . **a link to a storage location** where the data object is stored.”

Teng discloses a lock table including a row identification (RID), a lock, lock attributes, and the transaction holding the lock. *Teng*, col. 7, lines 44-47. The Examiner equates the link

to a storage location to *Teng*'s transaction¹, but the transaction is limited to an act to be performed and not a link to a storage location. Thus, *Teng*'s transaction does not provide a link to a storage location associated with the ID. *Bamford* fails to overcome the deficiencies of *Teng*. Thus, *Teng* in view of *Bamford* fails to disclose "a first lock object, storing the ID of the data object and **a link to a storage location** where the data object is stored" (emphasis added)." Furthermore, *Teng* does not explicitly indicate "a second lock object." While, as the Examiner points out, *Bamford* refers to "a second lock object," *Bamford* does not teach or disclose a second lock object **storing the ID of the data object**.

For at least these reasons, Applicants respectfully submit that claim 22 is patentable over *Teng* in view of *Bamford*. Claims 23–26 depend on claim 22 and are patentable for at least the same reasons as claim 22. Accordingly, Applicants request the reconsideration and withdrawal of the rejections of claims 22–26 under 35 U.S.C. § 103.

Claims 27 and 28 are rejected as allegedly unpatentable over *Teng* in view of *Josten* et al., U.S. Patent No. 6,944,615 ("*Josten*"). The Examiner admits that *Teng* does not teach ". . . granting read/write access to the data object based on the permanent lock not being set on the data object." Final Office Action, p. 12. The Examiner contends, however, that *Josten* cures this defect. Applicants respectfully disagree. *Josten* discloses a method of lock acquisition wherein a P-lock may have several different lock modes, which allow different resources to access the same database with various permissions. See, e.g., *Josten*, col. 9, lines 33 to col. 10, line 57. Therefore, it is impossible for the invention of *Josten* to grant read/write access to the data object based solely on the permanent lock not being set on the data object. In the invention of *Josten*, a P-lock with the proper mode must exist before granting read/write access.

Applicants respectfully submit that Claim 27 is patentable over *Teng* in view of *Josten* at least because those references do not teach or suggest "granting read/write access to the data object based on the permanent lock not being set on the data object." Claim 28 contains a

¹ See Final Office Action, p. 14, lines 16–17. ("*Teng* does disclose a transaction (column 7, lines 44–47) which contains a link to the target storage location.").

similar limitation and is therefore also patentable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 27 and 28 under 35 U.S.C. § 103.

IV. The Examiner's Rejections of Claims 1–7 under 35 U.S.C. § 101 is Also Erroneous

In the Final Office Action, the Examiner maintains a rejection of claims 1–7 as directed to non-statutory subject matter for allegedly producing no tangible result.

As noted by the Examiner, to be tangible, the claimed invention must produce a practical application or real world result. Applicants respectfully submit that the claimed invention produces a practical application because it is directed towards data archiving. In particular, the claimed process controls access to a data object when another program wants to read data in the process of being archived. The practical application is that, if the method did not perform the check to see if the data object's ID is contained in a lock object and is associated with a storage location prior to the accessing step, the data object could potentially be corrupted or lost. See Applicants' specification at pages 2-3, paragraphs 6-8. By claiming these steps, Applicants respectfully assert that claim 1 is providing a practical application or real world result because the method is preventing data objects from being corrupted or lost. Therefore, Applicants respectfully submit that claims 1-7 produce a tangible result and are statutory, and Applicants request reconsideration and withdrawal of the 35 U.S.C. § 101 rejections.

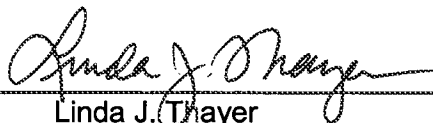
V. Conclusion

Accordingly, Applicants respectfully request that the rejections of pending claims 1-28 be withdrawn and the claims allowed.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 29, 2007

By: 
Linda J. Thayer
Reg. No. 45,681

Finnegan, Henderson, Farabow
& Dunner, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001